IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE THIRTY FIRST DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 24682 of 2004

Between:

1 D. Satyanarayana, S/o. Vuyyuru,
R/o. Tangallamudi, yadava Nagar, Eluru-534005.
2 V. Pichaiah Chowdhary, S/o. V. Subba Rao,
R/o. C/o. D. Satyanarayana, R/o. D.No.16-A-12, Tangallamudi, Yadava

nagar, Eluru-534005.
3 Darsina Prabhakar Rao, S/o. Sri Chinnaiah,
R/o. C/o. D. Satyanarayana, R/o. D.No.16-A-12, Tangallamudi, Yadava

nagar, Eluru-534005.
4 Maganti Subba Rao, S/o. Sri M. Rama Rao,

R/o. C/o. D. Satyanarayana, R/o. D.No.16-A-12, Tangallamudi, Yadava

nagar, Eluru-534005.

(Petitioner 2 to 4 are R/o C/o D.Satyanarayana, R/o D.No.16-A-5-12, Tangallamudi, Yadava Nagar, Eluru – 534005).

..... PETITIONERS

AND

1 The Food Corporation of India, Zonal Office,
Haddows Road, Chennai, rep. by its Zonal Manager.
2 The Senior Regional Manager, Food Corporation of India,
A.P. Region, HACA Road, Saifabad, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to Issue an order direction or writ particularly one in the nature of writ of mandamus or any other appropriate writ declaring the proceedings of the Sr. Regional Manager and the Appellate Authority in No. Vig 5 (13)/2004 dt. 10.11.2004 is illegal and

arbitrary and consequently direct the respondents not to make any recovery from the Voluntary Retirement Scheme amounts due to the petitioners consequent on their retirement (ii) direct the respondents to refund the amounts withdrawn from the voluntary Retirement Scheme benefits together with interest at 24% per annum.

Counsel for the Petitioner:MR.G.VIDYASAGAR

Counsel for the Respondents: MR.B.ANJANEYULU (S.C. for F.C.I.)

The Court made the following :

THE HON'BLE SRI JUSTICE K.C.BHANU

Writ Petition No.24682 of 2004

ORDER:

Challenging the order dated 10-11-2004 passed by the Senior Regional Manager and the Appellate Authority, the present Writ Petition is filed.

In the impugned order dated 10-11-2004 it is specifically stated that "Review Petition against this order lies before the Zonal Manager, Chennai within 45 days of the receipt of this order."

Instead of filing the said review petition before the Zonal Manager, Chennai, petitioners filed the present Writ Petition.

Hence, the Writ Petition is devoid of merits and is, accordingly, dismissed. The jurisdiction especially of the disciplinary authority as well as the appellate authority in imposing punishment is not under challenge, so also it is not a case of violation of principles of natural justice. Therefore, the writ petitioners are at liberty to file review petition against the order impugned before the Zonal Manager, Chennai. No costs.

K.C.BHANU, J.

Dated 31-12-2004.

skmr

To

1 The Zonal Manager, the Food Corporation of India, Zonal Office, Haddows Road, Chennai.
2 The Senior Regional Manager, Food Corporation of India, A.P. Region, HACA Road, Saifabad, Hyderabad.

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